

1           A     Yeah, I haven't seen this before.

2           Q     Were you aware that the Commission staff had  
3     sent such a letter to the San Francisco Unified School  
4     District?

5           A     No.

6           Q     Was there a time before you were alerted to  
7     the fact that we may have this hearing that the  
8     Commission had any concerns about the school  
9     district's renewal application certification, vis-a-  
10    vis the condition of the KALW public inspection file?

11          A     From the day I left the station to July?  
12    No.

13          Q     Now, in response to the FCC's letter, this  
14    is what the school district sent. So what I have here  
15    is not just the letter itself, but with all the  
16    attachments.

17          A     Do I just scan this?

18          Q     Right. You can just scan the body of the  
19    letter, as opposed to all of the attachments. We can  
20    talk about the attachments in a bit, some of them, not  
21    all of them. First of all, have you ever seen this  
22    letter before, the letter that was sent by the school  
23    district to the FCC staff?

24          A     No.

25          Q     Now, focusing your attention on page 3, page

1 3 is talking about ownership and supplemental reports.  
2 If you would, please, just read that to yourself.  
3 Read the question and then read the response. Now,  
4 first of all, in reading the question and the  
5 response, do you know what ownership reports or  
6 supplemental ownership reports are being referred to  
7 here?

8 A Yeah, I do know now.

9 Q What is it that you know now?

10 A I want to make sure I follow up your first  
11 question right. So what I know now is that this in  
12 incorrect statement, because it was after we filed the  
13 application, the license renewal that we understood --  
14 or that I understood -- that there were supplemental  
15 reports that needed to be in the file that conveyed a  
16 change in the ownership.

17 Q So you remember preparing something about  
18 the time the petition to deny came in relative to  
19 supplemental ownership reports for certain years?

20 A It was certainly after we filed the renewal  
21 application. I don't have a precise bearing on where  
22 it fit in with the petition.

23 Q But what you do remember is preparing  
24 supplemental ownership reports that to your  
25 understanding should have been prepared earlier and

1 placed in the file earlier?

2 A Correct.

3 Q And that would have been for years 1993 and  
4 1995?

5 A Yeah. I don't remember the precise years.

6 (The document referred to was  
7 marked for identification as  
8 Ramirez Exhibit No. 11.)

9 BY MR. SHOOK:

10 Q I've got them somewhere. I think this part  
11 of the process has been more confused than most, if  
12 you can believe it. What I'm showing to Mr. Ramirez  
13 is from the September 7, 2004, filing that SFUSD had  
14 made in response to our request for admissions of  
15 fact. Specifically, what I'm showing him initially is  
16 Attachment 2 to that.

17 If you'll note on the first page, it makes  
18 reference to January 31, 1993, in terms of what this  
19 report is supposed to be referring to. Then when you  
20 turn to the second page, you'll notice that the  
21 signature block appears to reflect that the document  
22 was signed on 10 December 1997. Is this one of the  
23 documents that you recall preparing in draft for  
24 signature on or about December 10, 1997?

25 A Yes.

1           Q     What was the cause of preparing this  
2     document?

3           A     The cause was having knowledge that these  
4     are supplemental reports, that these supplemental  
5     reports should have been filed or placed in the public  
6     file with respect to this one in 1993.

7           Q     In terms of who signed of on this report,  
8     the signature line reflects Waldemar Rojas, but  
9     there's also some initials there that appear to  
10    follow, which would suggest to me, at least, that  
11    somebody other than Mr. Rojas actually signed this  
12    document. Do you have any idea of who it is that  
13    actually signed this document?

14          A     Yeah. To the best of my memory, he had  
15    another special assistant. Her name, if I'm recalling  
16    this correctly, is Linda Davis. Quite often, when I  
17    would work with the superintendent's office or Enrique  
18    Palacios would work with the superintendent's office,  
19    we were working through Linda Davis.

20          Q     First of all, it appears to be the initials  
21    LD, and that would suggest that it was Ms. Davis that  
22    actually signed this report?

23          A     Correct.

24         //

25         //

1 (The document referred to was  
2 marked for identification as  
3 Ramirez Exhibit No. 12.)

4 BY MR. SHOOK:

5 Q From the same pleading, there's an  
6 Attachment 4, and I'd like you to take a look at the  
7 Attachment 4. What is Attachment 4?

8 A Attachment 4 looks to be the 1995  
9 supplemental ownership report.

10 Q Which was also prepared in December 1997?

11 A Correct.

12 Q And apparently also signed on December 10,  
13 1997, by Linda Davis, who affixed Mr. Rojas' name?

14 A Correct.

15 MS. REPP: Excuse me. May we take the break  
16 we talked about, off the record for 10, 15 minutes?

17 MR. SHOOK: And then you want to have your  
18 opportunity to ask questions? We'll wait and then --

19 MS. REPP: No. Well, can we talk a little  
20 bit among ourselves.

21 MR. SHOOK: Sure.

22 (Whereupon, a short recess was taken.)

23 MR. SHOOK: Okay. Why don't we resume  
24 again.

25 //

1 BY MR. SHOOK:

2 Q So with respect to page 3, which is what we  
3 were looking at, in terms of the question, "On  
4 August 1, 1997, when the subject license renewal  
5 application was filed, did the KALW-FM public  
6 inspection files contain all of the ownership and  
7 supplemental reports required to be kept by then  
8 Section 7335.27," it's your understanding that the  
9 answer to that question should have been no, not yes?

10 A Correct, because later on in December we  
11 created the 1993 and 1995 supplemental ownership  
12 reports.

13 Q But it's also the case that with respect to  
14 this April 2001 letter, no one from SFUSD contacted  
15 you about how to respond to this question?

16 A Correct.

17 Q I'd like to move on to page 5 of that  
18 letter. Question No. 2 reads, "On August 1, 1997, did  
19 the KALW-FM public inspection file contain all of the  
20 issues program lists required by then Section  
21 7335.27?" If you could, please, just read the  
22 response to yourself, and then I'll ask you a question  
23 or two about it. The response begins on page 5 and  
24 carries over to page 6.

25 Now, in terms of the response to the

1 question, the question asks about whether the issues  
2 program lists required were in the public file on  
3 August 1, 1997, wouldn't the correct response be no,  
4 not yes?

5 A Yes. Correct.

6 Q So in other words, there were lists that  
7 should have been there but weren't there in the public  
8 file?

9 A Correct.

10 (The document referred to was  
11 marked for identification as  
12 Ramirez Exhibit No. 13.)

13 BY MR. SHOOK:

14 Q Now, one of the things that concerns us, and  
15 you may or may not be able to help us here, is the  
16 reference to the NPR lists. If you look down at the  
17 bottom of page 5 and at the top of page 6, it talks  
18 about when the management reviewed the file, they were  
19 able to find nationally-produced NPR issues programs  
20 lists. I want to show you what we believe to be the  
21 kind of lists that were being referred to. It was  
22 printed from a compact disc that we received from the  
23 school district during discovery. They had placed on  
24 that disc many documents that were in the public file.

25 One such document is entitled, "KALW carried

1 the following NPR programming in the summer quarter of  
2 1992." It begins at KALW-000128 and runs to 000145.  
3 I want you to just take a brief look at it. You don't  
4 have to look at it closely, but just take a brief look  
5 at it. Now, have you seen a document like this  
6 before?

7 A No.

8 Q Another thing is that with respect to what  
9 appears at the top, if you look at the upper right  
10 hand corner of each page, there's a date and a time.  
11 You'll see that that date is 3/14/01. Do you have any  
12 knowledge as to whether or not this would suggest that  
13 that was the date that this document was prepared?

14 A No, I don't. No.

15 Q You wouldn't know one way or the other?

16 A Correct.

17 Q Going back to page 5 of the April 2001  
18 response -- assuming that "yes" constitutes a sentence  
19 -- the third sentence of that response reads, "Mr.  
20 Ramirez, who reviewed the contents of the file in July  
21 and August 1997 in connection with the preparation of  
22 KALW's license for renewal form, certified on July 30,  
23 1997, in accordance with the relevant question on  
24 License Renewal Form 303, that KALW had placed in its  
25 public inspection file at the appropriate times the



1 documentation required by 47 C.F.R. Section 7335.26  
2 and 7335.27."

3 My question based on that is did you tell  
4 anyone connected with SFUSD on or about April 5, 2001,  
5 that you had reviewed the contents of the public file  
6 in July and August 1997?

7 A No.

8 Q Now, you had reviewed the contents of the  
9 file sometime in 1997 --

10 A Correct.

11 Q -- as you testified. That probably would  
12 have been in July 1997 in connection with the  
13 preparation of the renewal application?

14 A Correct, or sooner.

15 Q You hadn't looked at in August 1997, had  
16 you, after the application was filed?

17 A I see. I don't remember if I looked at it  
18 after the file -- after the renewal application was  
19 filed. These dates confuse me.

20 Q Right. Well, it confused us a little bit,  
21 too. The renewal application was prepared at the end  
22 of July 1997, and it was filed on August 1. So from  
23 our earlier conversation, I came to the understanding  
24 that you had certainly looked at the public file prior  
25 to the filing of the renewal application, but

1 considering all the other things that you were  
2 responsible for that it appeared to us that you hadn't  
3 looked at the public file again until after the  
4 petition to deny had come to your attention.

5 A Correct.

6 Q Now, other than the conversation with Mr.  
7 Sanchez, you had indicated that you had a very brief  
8 conversation with him in July 2001, basically to the  
9 effect that the hearing designation Order had come out  
10 and that the FCC was all exercised about this renewal  
11 application --

12 MS. REPP: Excuse me. I think you meant  
13 2004.

14 MR. SHOOK: Excuse me, 2004. I'm fixated on  
15 2001. All right. Let me try that again.

16 BY MR. SHOOK:

17 Q Other than the conversation that you  
18 mentioned that you had with Mr. Sanchez that you had  
19 in July 2004, when the hearing designation Order came  
20 out, prior to today, have you spoken with anybody  
21 about the renewal application?

22 A No. I keep saying no, but I have met with  
23 Marissa to talk about this, so I don't know if that --  
24 when I was answering no, I was thinking in terms of  
25 the hearing process. So yes, I have talked to Marissa

1 about it, but that's in the context of the deposition,  
2 so I just wanted to make sure that --

3 Q So your conversations with Marissa would  
4 have been of very recent time?

5 A Correct.

6 Q Within the last month?

7 A Correct.

8 Q Maybe within the last two weeks?

9 A Yes.

10 Q But not before then?

11 A Well, between July and now, we've had a  
12 couple of conversations, yes.

13 Q Which began approximately when?

14 A August and September of this year.

15 (The document referred to was  
16 marked for identification as  
17 Ramirez Exhibit No. 14.)

18 BY MR. SHOOK:

19 Q I'm showing you a document called,  
20 Enforcement Bureau's Request for Admission of Facts  
21 and Genuineness of Documents. Someday I'll learn to  
22 spell "genuineness." Is this a document that you've  
23 seen before? Just glance through it.

24 A Yes. I think so, yes.

25 Q And the date of our document is August 19?

1 A Yes.

2 Q So you recall seeing a document like this  
3 sometime around the end of August of this year?

4 A Yes, it would have been in August. It would  
5 have been before this date.

6 Q Well, that would have been pretty good,  
7 because I hadn't figured out what to ask yet, so it  
8 couldn't have been then. You must be thinking of the  
9 next document I'm going to show you, dated  
10 September 7. It's the school district's responses to  
11 our admissions, so perhaps that's what you're thinking  
12 of.

13 A Okay. These are the questions?

14 Q Right.

15 A That's what I -- okay.

16 Q I know you're a bright fellow, but --

17 A Okay. Yes, I've seen this.

18 Q You've seen the responses?

19 A Yeah.

20 Q Did you have any role in generating any of  
21 the responses? We can just go over them one by one.  
22 Why don't you look at them for each one and then tell  
23 us what your role was, if any.

24 A It's pretty long.

25 Q Right. Well, it won't take as long as you

1 might think.

2 A Well, I know for sure that the sections I  
3 looked at were the sections where I'm mentioned.  
4 Marissa had asked me to take a look at the draft to  
5 confirm that the sections where I'm mentioned were  
6 correct to the best of my knowledge or that I agreed.

7 Q Which ones are they? Let's try to get  
8 specific.

9 A Well, generally, I think it's any section  
10 that has my name in it.

11 Q For anything like that, why don't you read  
12 the question involved and then read the answer, and  
13 we'll talk about whether or not that's complete.

14 A Do you want to go?

15 Q One by one. I mean, if you have no  
16 involvement with the question, you could just say  
17 Question such and thus is one that I had no role in,  
18 and we can just skip it.

19 A So No. 2, the question is --

20 Q So No. 1 you had no role in?

21 A Correct.

22 Q What was No. 2?

23 A No. 2, it asked, "Mr. Ramirez oversaw  
24 preparation of the original of Attachment A."

25 Q And Attachment A refers to the renewal

1 application. That would be?

2 A Yes.

3 Q So you can see Attachment A refers to the  
4 renewal application that was signed on July 30, 1997.

5 A Yes. No. 3, "At the time that he oversaw  
6 preparation of the original of Attachment A, Mr.  
7 Ramirez was general manager of KALW." No. 4 --

8 Q And the answer is correct?

9 A Yes.

10 Q And Request 4?

11 A The answer is correct.

12 Q Request 5?

13 A That's correct.

14 Q Request 6?

15 A That's correct.

16 Q Request 7?

17 A That is correct.

18 Q Request 8?

19 A I didn't have any role in that.

20 Q Okay. Request 9?

21 A That's correct.

22 Q Request 10?

23 A That's correct.

24 Q Request 11?

25 A That's correct.

1           Q     Request 12? For that, you're going to have  
2     to see what Attachment C is.

3           A     I don't think I had a role in this question.

4           Q     Okay. Then Request 13?

5           A     The answer is correct.

6           Q     Now, let me take a look at this. Request  
7     14?

8           A     That's correct.

9           Q     Request 15?

10          A     I don't believe I had a role in that  
11     question.

12          Q     Request 16?

13          A     That's correct.

14          Q     Request 17?

15          A     That is correct.

16          Q     Request 18? Now, I recognize that there's a  
17     fair amount of legal amount of legal argument there,  
18     which you could say whether or not you had any role in  
19     that. I would expect you did not.

20          A     Yeah, I didn't. I'm not quite sure how to  
21     respond to this question. Up until a certain point,  
22     the answer is correct, and then it gets into, I guess,  
23     the legal argument.

24          Q     Why don't you read into the record that  
25     portion that you believe to be correct?

1           A     I just want to make clear that when I say  
2 correct, it's that I had a role in reviewing it.

3           Q     If you did not have a role and you really  
4 don't know whether or not the particular answer is  
5 correct, there's certainly no problem with saying so.  
6 If there is an answer there that you had a direct role  
7 in formulating and you believe it to be correct, then  
8 it's perfectly acceptable to say so. If there's any  
9 part of the answer that you provided us that you  
10 believe needs to be modified or corrected in some way,  
11 this is the time to do it.

12          A     Yeah, this whole answer, given that the  
13 first sentence starts with a qualifier that there's a  
14 legal conclusion to be drawn here, I'm not quite sure  
15 how to react to the whole --

16          Q     If you're not certain, you can say so, and  
17 then we'll just go on to the next one.

18          A     Yeah. I don't think I'm qualified to  
19 respond to this whole section.

20          Q     That's fine. So we're up to No. 19?

21          A     Yeah. Again, I haven't read the whole  
22 section, but again the first sentence starts out with  
23 a qualification that this calls for a legal  
24 conclusion. I don't feel qualified to --

25          Q     That's fine. Request 20?



1           A     I didn't have anything to do with that.  
2           Q     Request 21?  
3           A     I didn't have anything to do with that.  
4           Q     Request 22?  
5           A     I didn't have anything to do with that.  
6           Q     Request 23?  
7           A     I don't think I'm qualified to respond to  
8     that.  It starts off again with a legal conclusion  
9     question.

10          Q     Request 24?

11          A     I wasn't involved in that.

12          Q     Request 25?

13          A     I was not involved in that.

14          Q     I want to show you another document that  
15     came from the compact disc.

16                MS. REPP:  I'm sorry.  May I borrow your  
17     copy to see what that was?

18                               (The document referred to was  
19                               marked for identification as  
20                               Ramirez Exhibit No. 15.)

21                BY MR. SHOOK:

22          Q     I want to show you a document that has the  
23     marking KALW-000146 through 000148 on it, and if you  
24     could, please, describe to me what we've got here.

25          A     This is a listing of City Visions programs

Heritage Reporting Corporation  
(202) 628-4888

1       that appear to have been produced in 1992 and 1993.

2           Q     Do you have any knowledge as to who prepared  
3       this document and the circumstances that surrounded  
4       its preparation?

5           A     This looks like a document that would have  
6       been produced by the City Visions producers. It looks  
7       very similar to --

8           Q     That Exhibit O that we were talking about  
9       from the petition to deny?

10          A     Yeah, that was. I can't explain why this  
11       looks different than the other one. They appear to be  
12       the same lists for the same program.

13          Q     I think the other list, if you recall -- we  
14       could find it if we needed to. That list didn't start  
15       until some time in 1995, whereas this one dates back  
16       to the summer of 1992. There's another thing about  
17       this list that I'd like you to comment on, and that is  
18       the markings that are up at the top. That could  
19       perhaps help explain.

20          A     Yeah. This looks like it came from John  
21       Covell, the producer of City Visions. This could have  
22       been one of the lists that I asked him to create to  
23       make sure that the public file was complete with  
24       respect to the program lists.

25          Q     Is there some indication as to when this

1 document was prepared?

2 A Yeah. At the top, there's a phone number.  
3 There's John's name, a telephone number, and then the  
4 date 10/24/97 and the time, and then this would be 1  
5 of 9, 1/9.

6 Q From your dealings with Mr. Covell, would  
7 the markings that we've just talked about suggest to  
8 you that the document was faxed to you on October 24,  
9 1997?

10 A No. I mean, they suggest that it was faxed  
11 to someone on 10/24/97. I don't have a -- I don't  
12 remember receiving this in October 1997.

13 Q So it's conceivable that it was prepared  
14 sometime well in advance of October 1997. You just  
15 don't know one way or the other.

16 A Yeah, that's conceivable. I can't explain  
17 for why it has -- why it's dated 10/24/97. I can't  
18 explain that.

19 Q Do you recall that when we were talking  
20 about your January 1998 declaration there was a  
21 reference in there that you had relied on Exhibit O of  
22 the petition to deny as the basis for the  
23 certification that you had made to the renewal  
24 application question of whether or not the public file  
25 had the appropriate documentation in it? You did not

1       rely on what we're looking at now, apparently?

2           A     Correct, according to the declaration.

3           Q     Which would suggest to me that the document  
4       that we're now looking at was generated sometime after  
5       the renewal application was prepared.

6           A     It's conceivable. I can't explain the  
7       difference between this document and the other, except  
8       for the dates and the format, so it is conceivable.

9           Q     But you don't have any recollection in terms  
10      of when it was that the document that we're now  
11      looking at KALW-000147 and 148, when it was that it  
12      came into existence?

13          A     Correct.

14                MR. SHOOK: I want to take about a three  
15      minute break and confer with Dana.

16                (Whereupon, a short recess was taken.)

17                BY MR. SHOOK:

18          Q     Basically, just one question. That is, the  
19      renewal application was signed off on in late July  
20      1997, do you have any recollection as to approximately  
21      how far in advance of that date had you received the  
22      renewal application itself to start working on?

23          A     The application itself, I don't recall when  
24      I received the application. I do remember that when  
25      we were in -- no, I do remember that when we were

1 already in the new station, and I was --

2 Q In other words, it would have been after  
3 January?

4 A Correct. I remember having a postcard.  
5 From that point forward, I don't -- the postcard  
6 basically would signal to me that FCC license renewal,  
7 I'd have to start some work activity. From that point  
8 forward, I don't remember receiving the application,  
9 or I don't remember how I got the application. I  
10 remember the postcard, though, because that was a  
11 moment when I thought, oh.

12 Q Did you actually receive the application  
13 from your lawyer?

14 A I don't remember.

15 Q You were the person that actually filled out  
16 the application, weren't you?

17 A To the best of my knowledge, I would have  
18 been the one who filled out the application.

19 Q And you were checking the "yes" and the "no"  
20 boxes?

21 A Yeah, but I don't remember typing in -- I'm  
22 not good with typewriters. I don't remember -- it  
23 looks like the check marks are typed in. I don't have  
24 a recollection of sitting down and typing the Xs in or  
25 the -- yeah, the Xs in.

1           Q     Do you think you filled out the application  
2     handwritten in draft and then sent it off to somebody  
3     to type it?

4           A     That's a good question. I think that's what  
5     I would have done. I would have had a paper copy and  
6     in pencil or pen said these are the things that need  
7     to be placed into the application, please type them  
8     up.

9           Q     Given how you worked, that's the most likely  
10    scenario that you can think of?

11          A     Correct.

12               MR. SHOOK: I have nothing further.

13              MS. LEAVITT: I just have one other question  
14    that follows onto what Mr. Shook asked. Although you  
15    don't recall exactly how you came into possession of  
16    the application, do you recall approximately when you  
17    started actually working on filling in the  
18    application, focusing on it?

19              THE WITNESS: No, I don't.

20              MS. LEAVITT: That's it.

21              MS. REPP: I just have a few questions and  
22    some documents to review, Jeff.

23              THE WITNESS: Okay.

24            //

25            //

1 EXAMINATION BY COUNSEL FOR THE WITNESS

2 BY MS. REPP:

3 Q Can I ask you, and please put aside all  
4 modesty, but what do you think were the attributes and  
5 your goals that made you attractive to the district in  
6 terms of hiring you as a general manager in 1996?

7 A I think they were looking for someone young.  
8 I definitely fit that bill at the time.

9 Q Excuse me. How old were you at the time?

10 A Twenty-nine. I think that they were looking  
11 for a person of color. I think that that  
12 significantly is one of the reasons why Enrique  
13 approached me about the position at the convention in  
14 Washington back in 1996. I know that the station was  
15 looking to involve students more in station  
16 operations, and my background at KPBS, which was  
17 located at a university, involved having students --  
18 university students, mind you -- involved in the  
19 production of programs as interns or as paid student  
20 assistants.

21 In fact, as a student assistant was my first  
22 job at KPBS itself back in 1988. I was also involved  
23 in a CPB strategic management program called The Next  
24 Generation Project, which focused on providing  
25 management training to minorities in public radio

1 specifically, and I was one of about a dozen people in  
2 the class.

3 I think that one of the things that Enrique  
4 asked me to craft during the application interview  
5 process was a vision paper for the station, and I was  
6 able to put together a quite lengthy, multipage vision  
7 of how I saw -- or my vision for taking station  
8 forward. It included involving students, working more  
9 closely with the other public radio stations in the  
10 Bay area, carving out a service niche in the Bay area  
11 to heighten the service value that listeners placed in  
12 the station so that we could generate even greater  
13 listener contributions. I think I had a lot of energy  
14 back then.

15 I think that Enrique could see me in that I  
16 get along well with all kinds of people, and he knew  
17 that there had been a lot of animosity at the station  
18 among staff, and he needed someone to go in there and  
19 heal. I think those were the parts of the character  
20 and quality that he saw.

21 Q Could you just on the Next Generation  
22 Project explain that a little bit more? How did that  
23 work? Was that something you interviewed for and were  
24 selected? Is it a national program?

25 A Yeah, it was a national program. I was



1 working at KPBS at the time. The station general  
2 manager, Doug Myrland, who -- he was kind of like a  
3 mentor for me at the station. He saw this  
4 announcement that was sent out to the system  
5 announcing this CPB program where they would provide,  
6 I think it was like a \$5,000 stipend that you could  
7 use to do out and do training activities. I think I  
8 used my stipend to travel to other stations to see how  
9 they do what they do at those stations.

10 The program was mainly meant to help people  
11 at the program director and general manager level. I  
12 was the only person in the program who was a producer,  
13 but I think they allowed me into the program because  
14 the CPB saw enough qualities in me that, he'd make a  
15 good manager, so why don't we let him into the  
16 program.

17 Q You said there were about 12 people in your  
18 class. Was this a yearly program?

19 A Supposed to be a yearly program, but halfway  
20 through our term, the project manager at CPB left the  
21 company, and there was a period of no activity, so we  
22 were actually in the program for almost two years. We  
23 graduated at the same time as the next class.

24 Q So you were able to travel to other stations  
25 and see how they operated under the program?

1           A     Correct. As a producer at the station, I  
2     didn't get to do a lot of traveling or be exposed to a  
3     lot of other station operations. I can remember that  
4     they flew us out here to Washington, and we spent a  
5     couple days in a workshop, a strategic management  
6     workshop, had the opportunity to tour NPR, had the  
7     opportunity to tour PBS, had the opportunity to tour  
8     the old FCC when it was located --

9           Q     In the nice part of town?

10          A     -- in the nice part of town. I remember  
11     that again I used my stipend to visit other stations.  
12     I traveled to National Public Radio to see -- just to  
13     be exposed to their operations, because they're known  
14     as a quite successful radio operation. They're the  
15     ones that produce Garrison Keillor, Marketplace.  
16     There's another that they're producing, I can't  
17     remember.

18                 I used my funding to go visit Ohio  
19     University, where they run a one year graduate degree  
20     program in public broadcasting management. I went  
21     there because I was curious. I thought I might go get  
22     my graduate degree. It was a one year program. I  
23     still think about doing that. I never followed  
24     through on that. There was also the opportunity to  
25     network. The program -- in fact, the reason why I was

1 at the public radio conference in Washington in 1996  
2 was as part of the Next Generation Project, not  
3 because my station sent me.

4 So if it hadn't been for the project, I  
5 wouldn't have been there in Washington to meet Enrique  
6 and then wind up here.

7 Q See what it did for you.

8 A An interesting chain of events.

9 (The document referred to was  
10 marked for identification as  
11 Ramirez Exhibit No. 16.)

12 BY MS. REPP:

13 Q I just wanted to show you a document that  
14 was produced by San Francisco Unified School District.  
15 It has a number on it, SFUSD-00201, and it runs  
16 through -00206, entitled KALW-FM Radio Financial  
17 Statements for the Year Ended June 30, 1997. Could  
18 you take a look at this document and tell me if you're  
19 familiar with it, Jeff?

20 A Yeah, I'm familiar with this. I haven't  
21 seen this ever since -- it says the date on it. I  
22 remember working with the accountants to provide  
23 information for an audit for the financial report.

24 Q So this audit by the independent auditor,  
25 Bunker & Company, was prepared while you were general

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1 manager at KALW?

2 A This particular one? I believe so.

3 Q If you look at page 3 of the report, which  
4 is SFUSD-00204 on the bottom, and this is a statement  
5 of support and revenue and expenditures and changes in  
6 fund balances. If you look at the total support and  
7 revenue and total expenditure lines, do those figures  
8 look accurate to you in terms of what the budget would  
9 have been for KALW?

10 A Yeah. The way I organized the station is as  
11 a \$1 million operation, rounding to the million.

12 Q When you say a million dollar station, what  
13 do you mean by that?

14 A Today at CPB, we talk of stations in terms  
15 of, well, it's a half million dollar station, it's a  
16 one million dollar station, or it's a five million  
17 dollar station, or it's a ten million dollar station.  
18 Minnesota Public Radio is a forty million dollar  
19 station.

20 Q Do they get their own category?

21 A Pretty much, yeah.

22 Q So in your categorization, KALW is  
23 approximately a one million dollar station.

24 A Correct.

25 //

1 (The document referred to was  
2 marked for identification as  
3 Ramirez Exhibit No. 17.)

4 BY MS. REPP:

5 Q I could show you this document. This  
6 document was produced by SFUSD. It bears the number  
7 SFUSD-00280 to -00284. It's a memo that's entitled,  
8 January 30, 1998, to Enrique Palacios from Jeff  
9 Ramirez. Sub: activity report. It says Activity  
10 report August 6, 1996, to January 30, 1998. Jeff, are  
11 you familiar with this document?

12 A Yes, I made this.

13 Q You are the author of the document?

14 A Correct.

15 Q And you would have written it and delivered  
16 it on or about January 30, 1998?

17 A Correct. This is what I attached to the  
18 letter that -- or the exit memo that I provided to  
19 Enrique Palacios when I left the station.

20 Q I believe you mentioned before January 30,  
21 1998, was your recollection of your last day at the  
22 station?

23 A Correct.

24 Q Was this a report that you had prepared  
25 previously, or did you do it because you were leaving

1 the station?

2 A I created it because I was leaving the  
3 station. I wanted to let Enrique know what we had  
4 been working on for the last -- while I was at the  
5 station, or what our accomplishments were.

6 Q I notice it has subjects such as station  
7 move, audience increase, focus programming. Could you  
8 read the paragraph on focus programming?

9 A Out loud or to myself?

10 Q Just to yourself. I think you touched on  
11 this earlier today, that part of what you considered  
12 to be your role as general manager was to help focus  
13 programming, reschedule programming at the station to  
14 best serve its listeners. Is this a fair summary of  
15 the efforts you undertook?

16 A Yes. This is a fair summary of the efforts  
17 I undertook when I took my GM hat off and put on my  
18 program director hat. There are other sections in  
19 here that were accomplishments when I took off those  
20 other two hats and put on the development director  
21 hat.

22 Q Can you give me an example of your  
23 development director accomplishments?

24 A The next section, the audio fundraising.

25 Q The next section, Underwriting, as a

1 development?

2 A Underwriting, additional revenue, second  
3 from the bottom.

4 Q What other hats did you have on that are  
5 reflected here in the activity report?

6 A Those were the -- you know at most stations,  
7 there are the three senior -- well, the general  
8 manager, and then the program director, and the  
9 development director is pretty much the design at most  
10 radio stations. Not having the capacity at KALW  
11 through the civil service system to hire those  
12 positions to fulfill the capacity or those  
13 responsibilities, the general manager was responsible  
14 for all of the -- for all scopes of activity under  
15 those positions.

16 Everything here covers one or -- either the  
17 role and responsibility of the general manager or the  
18 development director or the program director. There's  
19 audience research. The larger stations have a  
20 research director. Staff development on page 3,  
21 organizations -- other stations have a training  
22 director. There are quite a few stations where  
23 there's a chief financial officer. That person, in  
24 fact, is the person who is the primary contact with  
25 the CPB in the last section about the grant

1 eligibility.

2 At a lot of other stations, there's a CFO  
3 who has that responsibility. So I had my hands full.

4 Q Yes, you had your hands quite full and  
5 juggled all these different responsibilities. On page  
6 SFUSD-00283, there's a chart, KALW's Fundraisers,  
7 Dollar Totals. Did you prepare this chart?

8 A No, I didn't prepare this chart. This chart  
9 was prepared by the consultant who I had brought in to  
10 help with the audio fundraisers. His name is Michael  
11 Wallace.

12 Q During your tenure at the station, would you  
13 say that fundraising totals increased?

14 A Yes, from fall 1996, which is when I arrived  
15 at the station, to spring 1997, our on air fundraising  
16 increased.

17 Q And the next page, 00284, KALW Fundraisers,  
18 Average Pledge, this appears to also show an increase  
19 in the average pledge?

20 A Yeah. The way that -- in the industry we  
21 look at an increase in the average pledge. It means  
22 that your listeners -- because per person, they're  
23 making a larger contribution to the station, it  
24 usually means that they are valuing the station's  
25 service greater than they had previous. So the



1 difference here is that from prior to when I got to  
2 the station to by the time I left, on average,  
3 listeners were giving about \$10 more per contribution.

4 (The document referred to was  
5 marked for identification as  
6 Ramirez Exhibit No. 18.)

7 BY MS. REPP:

8 Q I'll show you another document. This is a  
9 document that's from the CD that was produced by SFUSD  
10 from the public inspection file. It is Document No.  
11 KALW-000046261. The beginning of the document is  
12 titled Alan Farley Interviews, Spring 1992. This  
13 document runs to page 15 with a statistics page at the  
14 back.

15 MS. LEAVITT: I don't think our document has  
16 those numbers on it.

17 MS. REPP: No, there are no numbers on it.  
18 I printed it off of the CD.

19 BY MS. REPP:

20 Q Are you familiar with this document?

21 A No. This is the first time I've seen this.

22 Q So you would not know if this document was  
23 in the public inspection file when the application was  
24 prepared in late July 1997?

25 A Correct.

1           Q     Could it have been in the public inspection  
2     file?

3           A     It could have been. Alan Farley is senior  
4     announcer at the station, very conscientious, is a  
5     good announcer, so it would come as no surprise to me  
6     if Alan had placed this in the public file. In answer  
7     to your question, if it was there, I wouldn't be  
8     surprised if it was, if it had been there.

9                                 (The document referred to was  
10                                marked for identification as  
11                                Ramirez Exhibit No. 19.)

12                   BY MS. REPP:

13           Q     Another document, also from the CD, and it  
14     has the numbers KALW-000095 to -000096, entitled Your  
15     Legal Rights, Topics and Guests. There's page 1 and  
16     2. It begins with a date column of 1/6/93. Then  
17     there's a column for topic and a column for guests.  
18     Are you familiar with this document, Jeff?

19           A     No. This is the first time I'm seeing this  
20     as well.

21           Q     Might this document have been in the public  
22     inspection file prior to July 30, 1997?

23           A     It could have been. It looks to be, based  
24     on my knowledge of the required format for the issues  
25     list, to be in that format. Chuck Finney, the

1 producer/host of Your Legal Rights, again very  
2 conscientious. I wouldn't be surprised if this was  
3 placed in the public file.

4 Q But you have no direct recollection that it  
5 was in the public file when you reviewed it in 1997?

6 A Correct. I don't remember seeing this in  
7 there.

8 (The document referred to was  
9 marked for identification as  
10 Ramirez Exhibit No. 20.)

11 BY MS. REPP:

12 Q Another document to show you, also from the  
13 CD, Document No. 000248 through 000240. It's from  
14 page 2 to 4. The first page that's labeled 2, it says  
15 2/24/93 employment log. Actually, I'd like you to  
16 look at the last document that we were looking at,  
17 Jeff, the document 000095 to 000096. Could you look  
18 at the page 2 in each of these documents. They both  
19 begin 2/24/93, employment log and with 4/14/93. Would  
20 you say that's the same page in both documents?

21 A They look like copies of each other.

22 Q But then the document at 000248 to 000250  
23 has additional pages attached to it. Is that correct?

24 MR. SHOOK: I think he may be just a little  
25 bit confused, because the numbering doesn't appear at

1 the bottom of the page.

2 MS. REPP: Yes, sorry about that.

3 THE WITNESS: The second document that you  
4 handed me, yeah, has extra pages attached to it.

5 BY MS. REPP:

6 Q Since you don't remember whether this  
7 document was generated prior to 1997, you don't know  
8 whether this was one document at one time that was  
9 separated out and placed in the public inspection  
10 file?

11 A Yeah, I wouldn't know.

12 (The document referred to was  
13 marked for identification as  
14 Ramirez Exhibit No. 21.)

15 BY MS. REPP:

16 Q This, too, is a document from the CD. It's  
17 KALW-000300, entitled Quarterly Issues Report for AIDS  
18 Update. Jeff, are you familiar with this document?

19 A No, this is the first time I'm seeing this.  
20 Alan Farley produced a regular report called AIDS  
21 Update, and I can see that his initial is in the or  
22 someone with the initial AF is in the right hand  
23 column.

24 Q Might this document or similar documents  
25 have been in a public inspection file for each quarter

1 when you reviewed the file prior to submitting the  
2 renewal application in July 1997?

3 A This particular document could have, because  
4 Alan Farley is very good to work with. I remember  
5 that at least I asked John Covell, the producer of  
6 City Visions to enter the program list to make the  
7 file complete. I could have asked Alan Farley to do  
8 the same thing. I just don't remember if I asked Alan  
9 Farley to do the same thing.

10 Q So you do not know if this document was  
11 created contemporaneously in 1993 or if it was done  
12 later, perhaps in 1997?

13 A Correct.

14 Q Jeff, you had mentioned earlier that you  
15 created ownership reports for the years 1993 and 1997  
16 in December 1997, when they were executed.

17 A Correct.

18 Q Do you know if there had been reports that  
19 had been prepared in 1993 and 1995, respectively?

20 A No, I don't.

21 Q You were not the general manager of the  
22 station at the time?

23 A Correct.

24 Q And you did not at that time contact the  
25 prior general manager to determine if such reports had

1       been prepared?

2           A       Correct. I didn't contact a previous  
3       general manager.

4           Q       Your declaration, the declaration that you  
5       had reviewed which was executed on January 17, 1998,  
6       paragraph 12, do you want to pull it out from your  
7       file?

8           A       Okay. Which page?

9           Q       Page 4, paragraph 12. Pretty far down in  
10      the paragraph you say, "I also believed that I had  
11      fully accounted for all public issues programs during  
12      my tenure as general manager in the document which  
13      Petitioner has labeled Exhibit O, which is what I  
14      believed was called for by the question." I believe  
15      you have Exhibit O in your file also. This is Exhibit  
16      O to the petition to deny.

17          A       Yeah, I have that.

18          Q       Might there have been more in the public  
19      inspection file than Exhibit O?

20          A       Yes. In fact, I think there might have been  
21      more to Exhibit O, because at the bottom it starts off  
22      at page 5 and it goes through page 7. I don't know.  
23      I can't explain where pages 1 through 4 are.

24          Q       So this statement in your declaration might  
25      be perhaps more now than you would have preferred?

1           A     I believe so. I think when -- the context  
2     for the declaration was as a response to the petition.  
3     So if I'm remembering correctly, Exhibit O was a part  
4     of their petition that they chose to include.

5           Q     But speaking now seven years later, you're  
6     not quite sure what was in the public inspection file  
7     in terms of issues program lists?

8           A     Yeah. All I have to refer to is Exhibit O  
9     here, which appears to be a partial of a larger  
10    document, because it appears to start on page 5.

11           MS. REPP: That's all. Do you have any  
12    additional follow up?

13           MR. SHOOK: No. Thank you for the  
14    clarification, because there were a couple of things.  
15    It's helpful to add that material to the record. I'm  
16    chagrined that I hadn't picked up on the pages 5  
17    through whatever.

18                   (Witness excused.)

19                   (Discussion held off the record.)

20           MS. REPP: Jeff, you have the option to have  
21    a draft of the transcript sent to you so you could  
22    review it for typos, or you could just waive that and  
23    it will be automatically deemed acceptable. Do you  
24    know which option you'd prefer?

25           MR. RAMIREZ: Can I waive the option for

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1 review but still get a copy of it?

2 MS. REPP: It would be a copy you could get  
3 after it's finalized. Is that what you'd like?

4 MR. RAMIREZ: Yeah.

5 MS. REPP: Thank you.

6 (Whereupon, in the presence of counsel,  
7 reading and signature were waived. At 4:43 p.m, the  
8 deposition in the above-entitled matter was  
9 concluded.)

10 I have read the foregoing pages 1 through  
11 139, and they are a true and accurate record  
12 of my testimony therein recorded, and any  
13 changes and/or corrections appear on the  
14 attached errata sheet signed by me.

15

---

Jeffrey Ramirez

17

18 Subscribed and sworn to before me

19 this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

20

---

21 Notary Public

22 My Commission expires: \_\_\_\_\_

23

24

25

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CERTIFICATE OF COURT REPORTER/NOTARY PUBLIC

I, Theodore Fambro, the officer before whom the foregoing testimony was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me and thereafter reduced to typewriting; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto; nor am I financially or otherwise interested in the outcome of the action.

Theodore C. Fambro

Court Reporter/Notary Public

My Commission Expires: